

FILED

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

## UNITED STATES DISTRICT COURT

JUL 21 2023

for the  
District of New MexicoMITCHELL R. ELFERS  
CLERK OF COURTIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Grey Chrysler 200  
VIN 1C3CCCAB4FN689501

Case No. 23-1424 MR

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

an iPhone 11, more fully described in Attachment A, which is attached and incorporated herein.

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

8 U.S.C. § 1324

Conspiracy to Transport Illegal Aliens

The application is based on these facts:

See Affidavit in Attachment C, attached and incorporated herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Mia Van Houzen

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
electronic submission and telephonic swearing (specify reliable electronic means).

Date: July 21, 2023



Judge's signature

City and state: Las Cruces, New Mexico

Jerry H. Ritter, United States Magistrate Judge

Printed name and title

**ATTACHMENT A**

**PROPERTY TO BE SEARCHED**

The affidavit, *see Attachment C*, is submitted in support of warrant to search, more fully described in **Attachment B**, contained in the following movable vehicle (referred to in **Attachment B** and **Attachment C** as “the Subject Vehicle” to include any compartments. This warrant authorizes the search of the entire vehicle for the purpose of identifying the evidentiary items described in Attachment B.

**Subject Vehicle**

The Subject Vehicle is a grey 2015 Chrysler 200, which was seized from Isac RAMIREZ on 06/20/2023, in Santa Teresa, New Mexico. The Subject Vehicle is currently in the custody of the Homeland Security Investigation located in Santa Teresa, New Mexico, it is being stored at Interstate Towing and Recovery, located at 1155 McNutt Rd. Suite 102, Sunland Park, NM 88063, and is depicted in the photographs below:



**ATTACHMENT B**

**ITEMS TO BE SEIZED**

Evidence of violations of 8 USC 1324 including, but not limited to:

- A. Documents and records establishing use and ownership of the Subject Vehicle; and
- B. Information relating to the schedule, whereabouts, or travel of the driver of the Subject Vehicle;
- C. Property or documents that were in the possession of Undocumented Non-Citizens (UNCs) who were smuggled in the Subject Vehicle, including electronic devices;
- D. Bank records, checks, credit card bills, Money Services Business receipts, account information and other financial records;
- E. Ledgers or other records pertaining to alien smuggling;
- F. Alien smuggling proceeds, including U.S. currency;

**ATTACHMENT C**  
**AFFIDAVIT IN SUPPORT OF ORDER AUTHORIZING**  
**SEARCH WARRANT**

I, Mia Van Houzen, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of a vehicle described in Attachment A, which is currently stored at a secure location in Sunland Park, New Mexico.

**AGENT BACKGROUND**

2. I am an “Investigative or Law Enforcement Officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), and am empowered by law to conduct investigations and to make arrests for various offenses listed in Titles 8, 18, 19, 21, 22, and 31, to include offenses alleged herein.

3. I am a Special Agent of Homeland Security Investigations (HSI) assigned to the Santa Teresa New Mexico, Human Smuggling Group. I have been employed with HSI since November 2019 and have been a Special Agent since August 2022. I received specialized training at the Federal Law Enforcement Training Center, located in Glynco, Georgia, on the investigation of human smuggling organizations. My prior experience includes serving as a Police Officer in Baton Rouge, Louisiana. I am currently a Major in the Army Reserves with over 19 years of service. My experience in the Army includes Counter Threat Finance and Military Intelligence specializing in HUMINT. I earned a master’s degree in Cybersecurity, bachelor’s degree in criminology.



4. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation, discussions with other agents involved in the investigation, and review of reports written by other agents and other evidence and materials concerning the investigation.

5. Through my training and experience, I know that alien smugglers often have instrumentalities of alien smuggling within their vehicle such as one or more cellular or smart telephones (devices) which they use to further their smuggling schemes. UNC's being smuggled often carry cellphones or other electronic devices to communicate with alien smuggling organizations. ledgers related to alien smuggling, documents or identification belonging to UNC's who were smuggled, receipts related to travel to engage in alien smuggling, and documents or items related to financial facilitation to include Money Services Business receipts, ATM receipts, or large amounts of cash from illicit proceeds.

**IDENTIFICATION OF THE DEVICE TO BE EXAMINED**

6. The property to be searched is a grey 2015 Chrysler 200 four door sedan. The Subject Vehicle has the VIN 1C3CCCAB4FN689501 and temporary Texas tag 2B8401L. The Subject Vehicle is/are currently located at Interstate Towing and Recovery, located at 1155 McNutt Rd. Suite 102, Sunland Park, NM 88063.

7. The Subject Vehicle had dealership temporary plates at the time of apprehension. The dealership is Tavo's Auto Sales, 2930 Gateway E Blvd, El Paso, TX 79905. The tags expired June 30, 2023. No buyer applied for a title or registration.

8. The applied-for warrant would authorize the search of the Subject Vehicle for the purpose of identifying and locating item particularly described in Attachment B.

**PROBABLE CAUSE**

9. Because this Affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every known fact regarding the instant investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause to search the Subject Vehicle for evidence of violations of 8 U.S.C. § 1324.

10. The request to search the Subject Vehicle is based on the following:

11. On June 20, 2023, at approximately 1934 hours, United States Border Patrol (USBP) Agents assigned to patrol the Santa Teresa New Mexico Area of Responsibility observed several subjects load into Subject Vehicle which was parked on the shoulder of Strauss Rd., near mile marker 3, in Santa Teresa, New Mexico, an area commonly used as a pick up site for human smuggling due to its close proximity to the US and Mexico border. As soon as a marked Border Patrol vehicle pulled up behind the Subject Vehicle as it passed, the driver started gaining speed to create distance from USBP and ran a red light at the intersection of Strauss Rd. and Industrial Ave speeding towards Pete Domenici Blvd. The USBP vehicle activated their lights and sirens after observing the suspect vehicle running the red light. A New Mexico State Police (NMSP) vehicle joined the pursuit on Pete Domenici Blvd with activated lights and sirens. The USBP unit discontinued the pursuit for safety reasons and notified Texas Department of Public Safety and the DHS Helicopter in the area. The DHS helicopter observer reported that the Subject Vehicle collided with another sedan at the intersection of Artcraft Rd. and N. Desert Blvd. Shortly after the collision at the intersection, the Subject Vehicle became disabled after it struck a metal utility pole on the side of the road.

12. The driver fled the Subject Vehicle on foot towards a nearby shopping center but was successfully apprehended by USBP in a McDonalds restaurant. The other passengers remained inside the Subject Vehicle. The Subject Vehicle contained six passengers who were determined by USBP to be Undocumented Non-Citizens (UNCs). All the UNCs were Mexican citizens. Two of the UNCs, including one 16-year-old male, was inside the trunk of the Subject Vehicle this posed exceptional risk since temperatures were approximately 100 degrees Fahrenheit. A 36-year-old male UNC passenger was transported to The Hospitals of Providence Transmountain Campus by Emergency Medical Services (EMS) due to a suspected back injury. The two UNCs in the trunk were treated on scene for minor injuries and did not want to be treated at the hospital. The driver was identified as Isac RAMIREZ and was determined to be a US Citizen. RAMIREZ and five of the UNC passengers were transported by USBP to the Santa Teresa Border Patrol Station (STN).

13. At STN, Homeland Security Investigations Special Agent (SA) Mia Van Houzen and Border Patrol Agent (BPA) Don Alvarenga conducted a post-Miranda interview of RAMIREZ. Prior to questioning, RAMIREZ was advised of his Miranda rights and signed an ICE Form 73-025 verifying that he understands his rights and consenting to questioning without an attorney present. RAMIREZ stated that he was contacted earlier in the day by a subject affiliated with the Sinaloa Cartel in Mexico to pick up the six UNCs in the desert area on Strauss Rd. RAMIREZ was aware that the people he picked up were UNCs, and that his actions were illegal. RAMIREZ stated that he has been involved with transporting UNCs since approximately January 2023 and makes 2-3 trips per week. RAMIREZ stated that he was unsure exactly where he was to transport the UNCs because he is only informed after he provides video documentation

of the pickup and he had not done so due to the circumstances of the pursuit right after the pickup. RAMIREZ stated that he gets paid 100 USD per person to pick up UNC's in the desert and transport them to various locations in the El Paso area.

14. The Subject Vehicle had dealership temporary plated at the time of apprehension. No buyer applied for a title or registration. Through my training and experience, it is common for alien smuggling organizations to use vehicle with temporary tags for alien smuggling since it is more difficult to trace ownership. Queries of law enforcement databased indicate that the Subject Vehicle traveled from El Paso through Sierra Blanca, TX and Alamogordo, NM check points. Through my training and experience, these routes are indicative of the alien smuggling activity transporting UNC's from the border further into the United States.

15. Based upon the information contained in this Affidavit, there is probable cause to believe that the Subject Vehicle contains evidence of violations of 8 U.S.C. § 1324: Conspiracy to Transport Illegal Aliens.

### **CONCLUSION**

16. Based on the above information, there is probable cause to believe that evidence of violations of 8 U.S.C. § 1324 are located in the Subject Vehicle. Therefore, I respectfully request that this Court issue a search warrant for the Subject Vehicle, more particularly described Attachment A, authorizing the search of the Subject Vehicle described in Attachment B.

Respectfully submitted,



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Mia R. Van Houzen  
Special Agent



Electronically submitted and telephonically  
sworn to before me on July 21, 2023:

  
\_\_\_\_\_  
Jerry H. Ritter  
United States Magistrate Judge